

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO
2018 AUG 22 PM 3:14
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAY McCLAIN, JR.,
a.k.a. Jay Jay McClain, Jr.,
a.k.a. Jay McClain, and
EDWARD FLEMING,

Defendants.

)
) CRIMINAL NO. 18CR2753KG
)
) Counts 1, 3, and 5: 18 U.S.C.
) § 922(g)(1): Felon in Possession of a
) Firearm;
)
) Counts 2, 4, 6 and 8: 18 U.S.C. § 922(j):
) Possession of a Stolen Firearm;
)
) Count 7: 18 U.S.C. § 922(g)(1): Felon in
) Possession of a Firearm and Ammunition.

INDICTMENT

The Grand Jury charges:

Count 1

In or about April 2018, in Chaves County, in the District of New Mexico, the defendant,

JAY McCLAIN, JR., having been convicted of at least one of the following felony crimes
punishable by imprisonment for a term exceeding one year:

- (1) conspiracy to commit a felony,
- (2) larceny of automobile,
- (3) burglary in the second degree (four counts), and
- (4) possession of controlled dangerous substance,

knowingly possessed, in and affecting commerce, a firearm.

In violation of 18 U.S.C. § 922(g)(1).

Count 2

In or about April 2018, in Chaves County, in the District of New Mexico, the defendant, **JAY McCLAIN, JR.**, knowingly possessed a stolen firearm, which had been shipped and transported in interstate commerce, the defendant knowing and having reasonable cause to believe that the firearm was stolen.

In violation of 18 U.S.C. § 922(j).

Count 3

In or about April 2018, on an occasion separate from that charged in Count 1, in Chaves County, in the District of New Mexico, the defendant, **JAY McCLAIN, JR.**, having been convicted of at least one of the following felony crimes punishable by imprisonment for a term exceeding one year:

- (1) conspiracy to commit a felony,
- (2) larceny of automobile,
- (3) burglary in the second degree (four counts), and
- (4) possession of controlled dangerous substance,

knowingly possessed, in and affecting commerce, a firearm.

In violation of 18 U.S.C. § 922(g)(1).

Count 4

In or about April 2018, on an occasion separate from that charged in Count 2, in Chaves County, in the District of New Mexico, the defendant, **JAY McCLAIN, JR.**, knowingly possessed a stolen firearm which had been shipped and transported in interstate commerce, the defendant knowing and having reasonable cause to believe that the firearm was stolen.

In violation of 18 U.S.C. § 922(j).

Count 5

On or about May 19, 2018, in Chaves County, in the District of New Mexico, the defendant, **JAY McCLAIN, JR.**, having been convicted of at least one of the following felony crimes punishable by imprisonment for a term exceeding one year:

- (1) conspiracy to commit a felony,
- (2) larceny of automobile,
- (3) burglary in the second degree (four counts), and
- (4) possession of controlled dangerous substance,

knowingly possessed, in and affecting commerce, a firearm.

In violation of 18 U.S.C. § 922(g)(1).

Count 6

On or about May 19, 2018, in Chaves County, in the District of New Mexico, the defendant, **JAY McCLAIN, JR.**, knowingly possessed a stolen firearm, which had been shipped and transported in interstate commerce, the defendant knowing and having reasonable cause to believe that the firearm was stolen.

In violation of 18 U.S.C. § 922(j).

Count 7

On or about May 24, 2018, in Chaves County, in the District of New Mexico, the defendant, **EDWARD FLEMING**, having been convicted of at least one of the following felony crimes punishable by imprisonment for a term exceeding one year:

- (1) fraudulent signing of credit cards or sales slips or agreements (two counts),
- (2) altered forged fictitious license,
- (3) possession of cocaine,

(4) possession of methamphetamine,

(5) residential burglary, and

(6) felon in possession of a firearm,

knowingly possessed, in and affecting commerce, a firearm and ammunition.

In violation of 18 U.S.C. § 922(g)(1).

Count 8

On or about May 24, 2018, in Chaves County, in the District of New Mexico, the defendant, **EDWARD FLEMING**, knowingly possessed a stolen firearm, which had been shipped and transported in interstate commerce, the defendant knowing and having reasonable cause to believe that the firearm was stolen.

In violation of 18 U.S.C. § 922(j).

A TRUE BILL:



Assistant United States Attorney

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/s/
FOREPERSON OF THE GRAND JURY